

REMARKS

Applicant respectfully requests entry and consideration of the following remarks even though presented after a final rejection. Applicant submits that these remarks do not raise new issues or require a new search. Further, entry and consideration of the remarks may isolate issues for potential allowance or appeal. The remarks were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1-20 stand in this application. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

35 U.S.C. § 103

At page 3, paragraph 8 of the Office Action claims 1-9, 13-16, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,871,063 to Schiffer ("Schiffer") in view of USPN 6,633,759 to Kobayashi ("Kobayashi") and USPN 2003/0008680 to Huh et al. ("Huh"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

At page 10, paragraph 27 of the Office Action claims 10-12, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiffer in view of

Kobayashi and USPN 6,697,806 to Cook (“Cook”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits that Schiffer is disqualified prior art against the claimed invention because the subject matter of Schiffer and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same person or organization. *See* MPEP 706.02(l)(1). Applicant respectfully submits that it is clear on the face of Schiffer and the present application that both are commonly assigned. Therefore, Schiffer is disqualified prior art and can not be used in a 35 U.S.C. § 103(a) rejection against the current claims.

Applicant respectfully submits that Schiffer is relied on by the Examiner, in part, to support the 35 U.S.C. § 103(a) rejections for each of the claims 1-20. Furthermore, the remaining references, Kobayashi, Huh and Cook, taken alone or in combination, fail to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the obviousness rejections with respect to claims 1-20.

Appl. No. 09/917,320
Response Dated October 16, 2006
Reply to Office Action of August 16, 2006

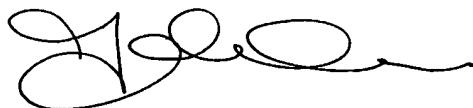
Docket No.: 1020.P10999
Examiner: Pollack, Melvin H.
TC/A.U. 2145

It is believed that claims 1-20 are in allowable form. Accordingly, a timely
Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if
such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: October 16, 2006

4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-5529